

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: TSCA No. \_\_\_\_\_

Dear \_\_\_\_\_:

On July 16, 1986, the Environmental Protection Agency (EPA) inspected Seattle Iron and Metals Corporation facility at Harbor Island in Seattle, Washington. That inspection revealed the presence of significant amounts of polychlorinated biphenyls (PCBs) in samples taken at various locations at the site.x

To further EPA's investigation of Seattle Iron and Metals Corporation, located at 2955 11th Avenue S.W. in Seattle, we have enclosed a subpoena duces tecum and subpoena ad testificandum with this letter. Pursuant to Section 11(c) of the Toxic Substances Control Act (TSCA), the subpoena requires submitting certain documents and answering a number of questions regarding activities at Seattle Iron and Metals. Failure to respond to the subpoena could subject you to contempt of court proceedings in Federal District Court.

The enclosed subpoena provides you the opportunity of submitting the

requested documents and information by mail in lieu of attending in person, provided that the documents, and other information requested, are produced at or before the date required by the subpoena.

Sincerely,

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Assistant Regional Counsel

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10, 1200 Sixth Avenue

Seattle, Washington 98101

IN THE MATTER OF:

)

No. \_\_\_\_\_

)

SEATTLE IRON AND METALS CORPORATION

)

)

SUBPOENA DUCES TECUM AND

)

SUBPOENA AD TESTIFICANDUM

)

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TO: \_\_\_\_\_

\_\_\_\_\_

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YOU ARE HEREBY COMMANDED, pursuant to the provisions contained in Title 15,

United States Code, Section 2610(c) [Toxic Substances Control Act Section

11(c)] TO BE AND APPEAR IN PERSON at the following place:

TIME AND DATE:

PLACE:                      Offices of the Environmental Protection Agency  
                                Region 10, Room \_\_\_, 12th Floor  
                                Park Place Building  
                                1200 Sixth Avenue  
                                Seattle, Washington 98101  
                                (206) 442- \_\_\_\_\_

YOU ARE COMMANDED FURTHER:

TO TESTIFY then and there upon oath and MAKE TRUTHFUL RESPONSE to all  
lawful inquiries and questions then and there put to you on behalf of the  
United States Environmental Protection Agency; and

TO REMAIN IN ATTENDANCE until expressly excused by the attorney  
conducting the proceeding for EPA; and

TO BRING WITH YOU at the above stated place and time, and then and there  
produce for inspection and/or copying, those items identified and described on  
the ATTACHED PAGE (if any page be attached).

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN COURT PROCEEDINGS AGAINST  
YOU IN A UNITED STATES DISTRICT COURT.

Issued at Seattle, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Attorney Contact:

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Regional Counsel

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ROBIE G. RUSSELL

Regional Administrator, EPA Region 10

## I. INSTRUCTIONS

1. This subpoena covers all documents described below in your possession, control, or custody, relating to the period of time during which you [have owned or operated] [have been or were employed at] Seattle Iron and Metals Corporation, 2955 11th Avenue S.W in Seattle, Washington.

2. For the purpose of complying with this subpoena, the word "document" means the original or a true, correct, and complete copy and all non-identical copies of any report, paper, note, letter, correspondence, memorandum, study, data compilation, circular, work sheet, minutes, test result, laboratory note or memorandum, analysis or other transcription of information, whether written, typed, printed, recorded on tape, microfilm, or other device, regardless of whether circulated within the company or to outsiders, regardless of whether generated within or without the company, and regardless of whether in the possession of your company or any agent acting in its behalf.

3. Each document submitted shall be clearly and precisely identified as to its title, author, date of preparation, and subject matter.

4. If neither the original nor a copy of any requested document is currently in the possession or control of you or your company for any reason, identify the document by date, title, subject matter, the name of individuals who prepared and received it and the name and address of the person who currently has possession or control of that document. If the document no longer exists, explain why. If the document has been destroyed, identify the



name of the individual who ordered it destroyed, when the order was issued, and why.

5. The authority under which this subpoena is issued, 15 U.S.C. §2610(c), authorizes the Administrator to require answers to questions as well as the submittal of documents. Answer all questions completely. Where necessary, documents may be submitted to answer all or part of any questions asked in these Specifications.

## II. Information Requested

- questions for employees*
- # For what period of time were you/have you been employed by Seattle Iron and Metals Corporation? What was/is your job?
  - # Where were transformers stored on site? When? What were the receiving, handling, shipping, and disassembly procedures for transformers? Where were they taken apart? Did they contain oil or liquids?
  - # Where were oils stored on site? When? How were used oils handled?
  - # What chemicals were used on site? When? Where? How were spent chemicals handled?
  - # Were there any spills on site? When? Where? What? How was the cleanup handled?



- # Where was the quench tank on site? What was it used for? Where was it used? What was the procedure for use? Was the tank drained or pumped at any time? How? Was it even filled with water? How often? How was the discharge handled? How was the termination of use and disposal handled?
- # Where were electric trains dismantled? Were the transformers ever still inside? How was the oil in the drip pans handled?
- # What was the work flow in the yard during your work experience? Did it change? Were any piles moved? Did the locations of work ever change? How often? What were the general policy and procedure rules? How were they communicated? Was open burning an accepted procedure? Did you save any written memoranda, etc..?
- # Is there anything you think the government needs to know to protect the environment?
- # For what period of time have you owned/operated Seattle Iron and Metals Corporation?
- # Provide all documents in your possession showing purchase of liquid-filled or drained electrical equipment, including transformers, capacitors, and any other similar piece of equipment. Provide any information you have for this equipment such as

*question for  
owner/operator*

manufacturer, type, size, rating, serial numbers, dielectric fluid, PCB content, etc. X

- # Provide any documents not included above that identify all companies, facilities, persons, or other sources from which you obtained liquid-filled or drained electrical equipment.
- # Provide a written description of transformer and capacitor handling practices with storage sites and dates.
- # Provide all documents in your possession showing sales and purchases of waste and hydraulic oils.
- # Provide a list of your sources of scrap metal.
- # Provide a written description of your past and current handling practices, including any burning, for scrap metals, X batteries, aluminum dross, copper ash, and unreclaimable materials. Provide a map showing storage and handling locations and dates.
- # Provide a written description of the use and history of the quench tank, including locations.
- # Provide a written description of all discharge points past and present with maps and dates.
- # Provide a list of all employees past and present 6

- # Provide a list of all commercial properties that you or the other owners of Seattle Iron and Metals Corporation own or control in whole or in part.
- # Provide a list of all subsidiaries of Seattle Iron and Metals with address, nature of business, date of purchase, and former owner.
- # Provide a list of all business associations to which you or the other owners of Seattle and Iron Metals Corporation belong, and the date of all elected offices held by you or the other owners of Seattle Iron and Metals.

OPTIONAL ANSWER TO SUBPOENA DUCES TECUM BY MAIL

TO RESPONDENT:

You have been served with an EPA administrative subpoena duces tecum issued pursuant to the Toxic Substances Control Act (TSCA), 15 U.S.C. §2610 and following sections. This subpoena requires that an individual personally attend a meeting at the time and place listed in the subpoena and then and there give testimony under oath and also produce the records indicated in the subpoena.

EPA hereby offers to you the alternative of responding to the subject subpoena

by mail rather than attending in person and producing records and giving testimony. You are being spared personal inconvenience by electing to respond to the subpoena by mail. However, you must carefully follow these instructions if you elect to respond to the subpoena by mail:

1. You must telephone the following person promptly and state specifically that you thereby elect to respond to the subpoena by mail rather than in person. You must follow up on that call by sending a letter to the same effect.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OPTIONAL ANSWER - PAGE ONE

2. You must make photocopies of each record which is in your possession or otherwise available to you, which you believe comes within the description set forth in the attachment to the subpoena. You must take care to include all records which the attachment reasonable describes because you could later be subpoenaed again.

3. You must then package up those records and mail them or otherwise have them delivered (together with an affidavit) to the person named in paragraph 1 above at the above address stated there.

4. The affidavit which must accompany the shipped records is attached to these instructions and ;must be signed and sworn to before a Notary Public. Please take care to read the affidavit carefully and be sure that you understand it before you sign and swear to it.



5.           The affidavit and all the records must be in the hands of the person named in paragraph 1 above by the time specified in the subpoena. If it is absolutely necessary to request an extension of time,. call the person named in paragraph 1 above to see whether an extension can be granted, and, if so, what the replacement return date will be.

6.           If you claim that some portion of, or all of, any record covered by the said subpoena is privileged, this option to respond by mail is unavailable to you,. and you must appear in person at the time and place stated.



BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA REGION 10

AFFIDAVIT RESPONDING BY MAIL TO SUBPOENA DUCES TECUM

DOCKET:

STATE OF \_\_\_\_\_ )

)

COUNTY OF \_\_\_\_\_ )

I, the undersigned affiant, first

being duly sworn, upon oath, depose and say:

1. Attached hereto are \_\_\_\_\_ pages of photocopies of documents or records. The attached pages are true and correct copies of records which I presently have in my custody and/or control as an owner and/or employee, or

former owner and/or employee of:

2. I am one of the custodians of the records of which the attached pages are true and correct copies. Those records have been subpoenaed by EPA and are being produced along with this affidavit in response to that subpoena.

3. The records (of which the attached pages are true copies) here involved were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in paragraph 1 above. The said records are relied upon by me and others for the purpose

of conducting every day affairs. The said records are usually prepared or were received at or near the time the events to which they relate, upon the basis of knowledge of such events either by the person preparing the record, or knowledge of the person transmitting the information so that such record could be prepared.

4. I have made a diligent search and inquiry for all records which are reasonably described in the subpoena to which this affidavit responds. I have no knowledge of, any records coming within the descriptions set forth in the said subpoena which have not been copied and submitted along with this affidavit.

5. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of EPA and that any

material false statement of fact herein may be a crime under 18 U.S.C. §1001.

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

TYPED NAME: \_\_\_\_\_

OFFICE OR TITLE: \_\_\_\_\_

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on

this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

BARRICK    HASSELBERGER    \_\_\_\_\_

attorney

# DOCUMENT SUMMARY

Document Id: 1250k  
Document Name: Subpoena Sea.Iron&Metal  
Operator: w.hendrix  
Author: e.barrick  
  
Comments: PCBs

## STATISTICS

OPERATION	DATE	TIME	WORKTIME	KEYSTROKES
Created	12/17/86	14:54	1:46	3491
Last Revised	/ /	:	:	
Last Printed	12/18/86	09:31		
Last Archived	/ /	:	onto Diskette	
Total Pages:	8	Total Worktime:	1:46	
Total Lines:	240	Total Keystrokes:	3491	

Pages to be printed 8

Notify U14 on system ubeel.